



WASHINGTON, DC OFFICE

fifth floor

flour mill building

1000 potomac street nw

washington, dc 20007-3501

TEL 202 965 7880 FAX 202 965 1729

OTHER OFFICES

new york, new york

portland, oregon

seattle, washington

GSBLAW.COM

GARVEY SCHUBERT BARER

Please reply to JOHN CRIGLER
jcrigler@gsblaw.com
DIRECT DIAL : (202) 298-2521

August 15, 2005

DOCKET FILE COPY ORIGINAL

File No. 20910-101-60

RECEIVED

AUG 15 2005

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
c/o Natek, Inc.
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

Federal Communications Commission
Office of Secretary


Re: MB Docket No. 05-6

Dear Ms. Dortch:

Transmitted herewith, on behalf of Station Resource Group and Public Radio Capital, are the original and four copies of their Reply Comments in response to a Notice of Proposed Rule Making bearing the above-captioned docket number.

Please refer any questions concerning this matter directly to this office.

Respectfully submitted,


John Crigler

JC:gr
Enclosures

No. of Copies rec'd 0+4
List ABCDE

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED

AUG 15 2005

In the Matter of:

**Revision of the Public Notice
Requirements of Section 73.3580**

)
)
)
)
)

**Federal Communications Commission
Office of Secretary**

MB Docket No. 05-6

To: The Commission

REPLY COMMENTS OF STATION RESOURCE GROUP

Station Resource Group ("SRG") and Public Radio Capital ("PRC") respectfully submit these Reply Comments in response to the above-captioned Notice of Proposed Rule Making ("NPRM"). The NPRM proposes to revise Section 73.3580 of the Commission's Rules by standardizing the Public Notice ("Notice") that must be given when a broadcast license is assigned or transferred, and by requiring that noncommercial educational ("NCE") stations publish the Notice in a local newspaper.

SRG/PRC find much to agree with in the comments submitted by the National Association of Broadcasters ("NAB") and the Office of Communications of the United Church of Christ, Inc., the National Hispanic Media Coalition, the Campaign Legal Center, Media Access Project, Benton Foundation, Chicago Media Action, and Free Press ("UCC, et al"). For example, UCC et al. correctly observe that it is difficult to navigate the FCC's current website and find a transfer or assignment application. SRG/PRC believe that an improved FCC website is the best way of making information about pending transfer and assignment applications more accessible to the public.

No. of Copies rec'd
List ABCDE

0 + 4

SRG/PRC agree with UCC et al. that the posting of an assignment application on the site of the station being transferred or assigned is an effective way of providing information to the public. Although SRG/PRC do not object to requiring NCE licensee stations to publish an appropriate Notice in a local newspaper, SRG/PRC are not as sanguine as UCC et al. that such publication is an effective way of informing the public.

SRG/PRC respectfully disagree with the following proposals by UCC et al:

- Run two different types of Notice, one before and one after the application has been accepted for filing. Such a requirement would unnecessarily complicate the Notice requirements and possibly confuse rather than inform the public, since electronically filed applications are now "accepted" within a few days of being filed. One form of Notice is sufficient.
- Broadcast notices in multiple languages. Although SRG/PRC certainly do not object to allowing stations that broadcast in a language other than English to broadcast the Notice in other languages, they do not endorse the proposed requirement that stations broadcast the Notice "in the language that the station is broadcasting at the time of the announcement." If a station ran the Notice during a world music program that carried music from India, Africa and Brazil, would the station have to run the Notice in Hindi, Swahili or Portuguese?
- Broadcast the Notice four times a day every day during the petition to deny period. There is no evidence that merely multiplying the number of Notices broadcast by a factor of 30 would proportionately increase public participation in the application process. When Station WJTM(FM) supplemented the

required notice of a hotly contested assignment with a plain English notice of a "sale," the supplemental notices broadcast stimulated only one additional complaint. See Letter to John Crigler, 1800 B3-JR (Media Bureau, November 24, 2004).

- Require that the Notice provide information concerning corporate structure, requested waivers of FCC Rules, and whether the buyer is local. Inclusion of detailed information about facts unique to specific applications is antithetical to the notion of a simple, standardized Notice.
- Prescribe the text of a Notice that must be used for all purposes. As SRG/PRC noted in their Comments, the text of the Notice proposed by the FCC (and endorsed by UCC, et al.) is inaccurate for many applications (such as routine long-form transfer of control applications that do not involve a "sale" of a station). Any revision to the Notice requirements of Section 73.3580 must permit stations some discretion to modify the form of the Notice when the standard form is inaccurate or misleading.
- Revise the form of Notice required for applications for construction permits and license renewals. This proposal goes beyond the scope of the NPRM.

SRG/PRC endorse the idea of revising the Notice to be given when a broadcast license is transferred or assigned, so as to provide more effective notice to the public, and extending this obligation to noncommercial licensees given the transparency and accountability that is expected of non-profit organization's in today's environment. The revised requirements should, however, strive for simplicity and flexibility. Requiring stations to broadcast multiple forms of notice, in multiple languages, with no flexibility to

change the text of the Notice even when that text mischaracterizes the application in question, will not serve any public interest.

Respectfully submitted

**STATION RESOURCE GROUP and
PUBLIC RADIO CAPITAL**

By:



**John Crigler
Their Attorney**

GARVEY SCHUBERT BARER
Fifth Floor, The Flour Mill Building
1000 Potomac Street, NW
Washington, DC 20007
202-965-7880

Date: August 15, 2005